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TEF. Keane

Federal Communications Commission
Washington, D.C. 20554

APR 23 2003

1800E1-PB

William K. Keane
Arter & Hadden LLP
1801 K Street, NW
Third Floor L Street
Washington, DC 20006-1301

In Re: MB Docket No. 02-151
Yuma, Arizona

Dear Mr. Keane:

This is regarding the above-referenced petition for rule making you filed on behalf of Arizona Western College requesting the allotment of DTV channel 24 to Yuma, Arizona, as the community's first noncommercial DTV allotment.

As you are aware, Yuma is located within 275 kilometers of the U.S.-Mexican border and concurrence of the Mexican government was solicited for this proposal. The Mexican government has completed its review of Arizona Western College's proposal and objects to the proposal on the grounds that it fails to adequately protect either Mexican NTSC and/or DTV channels pursuant to the *Assignment of Television Channels Along United States-Mexican Border* [1982, revised in 1997 to include the provisions governing the introduction of digital television broadcasting service).¹ Specifically, Arizona Western College's proposal fails to protect channel 38 of Mexicali, B.C.

Accordingly, you must within 30 days of the date of this letter, submit an appropriate amendment to your petition eliminating the overlap. It is recommended that Arizona Western College conduct a complete technical analysis of its proposal in an effort to correct the deficiency outlined in this letter as well as any other technical problems that might exist. You are cautioned that Arizona Western College's failure to comply with the requirements of this letter within the time specified herein may result in the dismissal of

¹ Memorandum of Understanding between the Federal Communications Commission of the United States of America and the Secretaria de Comunicaciones y Transportes of the Mexican States Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz bands for the digital television broadcasting service along the Common Border (1997).

its petition for rule making.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Pendarvis". The signature is fluid and cursive, with the first name "Clay" written in a larger, more prominent script than the last name "Pendarvis".

Clay Pendarvis
Associate Chief, Video Division
Media Bureau

cc: James McLuckie, International Bureau